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1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF NEW YORK  
3 -----x

4 UNITED STATES OF AMERICA,

5 v.

6 S2 15 Cr. 95 (AJN) (DCF)

7 GERARD BASS,  
8 a/k/a "Roddo,"

9 HAKEEM CAMPBELL,  
10 a/k/a "Ocky,"  
a/k/a "Ackee,"

11 LAMAR FRANCIS,  
a/k/a "Lammy,"  
a/k/a "Andrew Blacks,"

12 DAVID JONES,

13 JOEL HARGROVE,  
a/k/a "Flow," and

14 OKEIFA JOHN  
a/k/a "Ratty,"

15 Arraignment  
16 Defendants.

17 -----x  
18 New York, N.Y.  
19 April 27, 2016  
20 4:45 p.m.

21 Before:

22 HON. DEBRA C. FREEMAN,

23 Magistrate Judge

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## 1 APPEARANCES

2 PREET BHARARA  
3 United States Attorney for the  
Southern District of New York  
4 HAGAN C. SCOTTEN  
5 Assistant United States Attorney6 JOSHUA DRATEL  
7 Attorney for Defendant Gerard Bass  
LINDSAY A. LEWIS8 SCOTT B. TULMAN  
9 Attorney for Defendant Hakeem Campbell10 FRIEDMAN KAPLAN SEILER & ADELMAN LLP  
11 Attorneys for Defendant Lamar Francis  
12 RICARDO SOLANO, Jr.13 JONATHAN SUSSMAN  
14 Attorney for Defendant David Jones15 KREINDLER & KREINDLER  
16 Attorneys for Defendant Joel Hargrove  
17 MEGAN W. BENETT18 MITCHELL J. DINNERSTEIN  
19 Attorney for Defendant Okeifa John20  
21 ALSO PRESENT: Erin Cunningham  
22 Julian Febus  
23 Pretrial Services

24 Chloe Marmet, Paralegal

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1 (Case called)

2 MR. TULMAN: Good afternoon, your Honor. For Hakeem  
3 Campbell, Scott Tulman.

4 MR. SOLANO: Good afternoon, your Honor. Ricardo  
5 Solano for Lamar France.

6 MS. BENETT: Good afternoon. On behalf of Joel  
7 Hargrove, Megan Bennett.

8 MR. DINNERSTEIN: Mitchell Dinnerstein for Okeifa  
9 John.

10 MR. SUSSMAN: Jonathan Susman for David Jones. Good  
11 afternoon.

12 MS. LEWIS: Good afternoon, your Honor. Lindsay  
13 Lewis, standing in for Joshua Dratel, on behalf of Gerard Bass.

14 THE COURT: All right. May I please have from the  
15 government a date and time of arrest for each of these  
16 defendants. Let's start over on my right with Mr. Bass.

17 MR. SCOTTEN: Your Honor, Gerard Bass was arrested  
18 approximately 10:50 p.m. yesterday, April 26.

19 THE COURT: 10:50 a.m. yesterday?

20 MR. SCOTTEN: P.m., your Honor.

21 THE COURT: Oh, p.m.

22 MR. SCOTTEN: My apologies.

23 THE COURT: For Mr. Jones.

24 MR. SCOTTEN: Your Honor, David Jones was arrested  
25 approximately 7:14 a.m. this morning.

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1 THE COURT: Mr. John, Okeifa John.

2 MR. SCOTTEN: Your Honor, Okeifa John was arrested  
3 approximately 2:52 a.m. this morning.

4 THE COURT: Mr. Hargrove.

5 MR. SCOTTEN: Your Honor, Mr. Hargrove was arrested  
6 approximately 4:54 a.m. this morning.

7 THE COURT: Mr. Francis.

8 MR. SCOTTEN: Your Honor, Mr. Francis was arrested,  
9 Lamar Francis was arrested approximately 7:14 a.m. this  
10 morning.

11 THE COURT: Mr. Campbell.

12 MR. SCOTTEN: Your Honor, Hakeem Campbell was arrested  
13 at approximately 2 p.m. today.

14 THE COURT: To the government's knowledge, are any of  
15 these defendants not United States citizens?

16 MR. SCOTTEN: Not to the government's knowledge, your  
17 Honor.

18 THE COURT: Does defense counsel know anything  
19 different; is anyone not a United States citizen, to your  
20 knowledge?

21 MR. TULMAN: No, your Honor.

22 THE COURT: All right. I have six defendants in front  
23 of me. I'm going to be speaking to all of you at the same time  
24 unless I specifically say that I'm talking to you separately.  
25 So my comments for the most part are meant for all of you. The

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1 purpose of this proceeding this afternoon is, first, to inform  
2 you of certain rights that you have; second, to inform you of  
3 the charges against you; third, to decide whether counsel  
4 should be appointed for you; and finally, to decide the  
5 conditions, if any, under which you'll be released.

6 First, with respect to your rights, again, this  
7 applies to all of you. You have the right to remain silent.  
8 You are not required to make any statements. Even if you have  
9 already made statements to the authorities, you need not make  
10 any further statements. Anything you do say can be used  
11 against you. You each have the right to be released, either  
12 with or without conditions, pending your trial, unless I find  
13 that there are no conditions that would reasonably assure both  
14 your presence in court and the safety of the community. You  
15 each have the right to be represented by counsel during all  
16 court proceedings, including this one, and also during any  
17 questioning by the authorities. If you cannot afford an  
18 attorney, I will appoint one to represent you.

19 Most of you have submitted financial affidavits in  
20 connection with the request for appointment of counsel. For  
21 those of you who have submitted financial affidavits, I'm going  
22 to ask you one at a time to please stand and raise your right  
23 hand so that I can swear you to the contents of the affidavits.

24 Starting with Mr. Bass, could you please stand and  
25 raise your right hand as best as you're able. Do you swear the

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1 statements contained in this financial are true and correct, so  
2 help you God, and this is your signature at the bottom?

3 DEFENDANT BASS: Yes.

4 THE COURT: All right. Have a seat. I am approving  
5 your request for appointment of counsel. I'm appointing  
6 Mr. Dratel, is that correct, to represent you? You'll be  
7 represented today for purposes of this proceeding by Ms. Lewis.

8 Mr. Jones, I understand you're here today with  
9 retained counsel, so I'm just going to tell you that if at any  
10 time you feel that you are unable to continue to afford  
11 counsel, you may return to the court and ask to have counsel  
12 appointed for you.

13 Turning to Mr. John, could you please stand and raise  
14 your right hand. Do you swear the statements contained in this  
15 financial affidavit are true and correct, so help you God, and  
16 this is your signature here?

17 DEFENDANT JOHN: Yes, ma'am.

18 THE COURT: OK. Have a seat. I'm approving your  
19 application for appointment of counsel. I'm approving  
20 Mr. Dinnerstein to represent you.

21 Mr. Hargrove, could you please stand and raise your  
22 right hand. Do you swear the statements contained in this  
23 financial affidavit are true and correct, so help you God, and  
24 this is your signature here?

25 DEFENDANT HARGROVE: Yes, ma'am.

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1                   THE COURT: All right. Have a seat. I'm approving  
2 your request for appointment of counsel, and I am appointing  
3 Ms. Benett to represent you.

4                   Mr. Francis, could you please stand and raise your  
5 right hand. Do you swear the statements made in this financial  
6 affidavit are true and correct, so help you God?

7                   DEFENDANT FRANCIS: Yes.

8                   THE COURT: And this is your signature here?

9                   DEFENDANT FRANCIS: Yes.

10                  THE COURT: OK. Have a seat. I'm approving your  
11 request for appointment of counsel. Am I correct that I'm  
12 appointing Ms. Mulligan.

13                  MR. SOLANO: Actually myself, your Honor, Ricardo  
14 Solano.

15                  THE COURT: This disposition sheet has gotten a little  
16 bit scratched up and messy. I'll indicate for the record we  
17 have Ricardo Solon as counsel for Mr. Francis.

18                  Mr. Campbell, could you please stand and raise your  
19 right hand. Do you swear the statements contained in this  
20 financial affidavit are true and correct, so help you God, and  
21 this is your signature where I'm pointing?

22                  DEFENDANT CAMPBELL: Yes, your Honor.

23                  THE COURT: All right. Have a seat. All right. I'm  
24 going to grant your application for appointment of counsel as  
25 well, and I am appointing Mr. Tulman to represent you.

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1                   There are four crimes charged in the indictment in  
2 this case, in four different counts. You are not all charged  
3 in the same counts. The first count of the indictment charges  
4 a violation of Title 18 of the United States Code, Section  
5 1962(d), which makes it a crime to conspire with others to  
6 commit what's called racketeering. In this case, this charge  
7 arises out of allegations that you were members and associates  
8 of a gang called the Big Money Bosses gang, or the BMB, which  
9 is referred to in the indictment as a criminal enterprise, and  
10 the conspiracy allegation is that you conspired with others to  
11 conduct and participate in the conduct of this alleged  
12 enterprise. Those of you who are charged in that first count  
13 who are before me now include Mr. Bass, Mr. Campbell,  
14 Mr. Francis, and Mr. Jones and Mr. Hargrove.

15                   Counsel, please follow along with this. If I say  
16 anything incorrectly, please correct me.

17                   The second count of the indictment alleges a violation  
18 of Title 21 of the United States Code, Section 846, which makes  
19 it a crime to conspire with others to violate the narcotics  
20 laws of the United States. It's more specifically charged that  
21 this was a conspiracy to distribute and possess with intent to  
22 distribute crack, 100 kilograms of marijuana, and oxycodone.  
23 Those of you before me who are charged in the second count of  
24 the indictment include Mr. Bass, Mr. Campbell, Mr. Francis,  
25 Mr. Jones, Mr. John, and Mr. Hargrove.

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1                   In the third count of the indictment, there's an  
2 allegation of a violation of Title 21 of the United States  
3 Code, Sections 846 and 860, and Title 18 of the United States  
4 Code, Section 2, which makes it a crime to distribute narcotics  
5 within 1,000 feet of playgrounds and schools. Each of you who  
6 are before me today are charged with violating that statute  
7 charged in that count. That includes Mr. Bass, Mr. Campbell,  
8 Mr. Francis, Mr. Jones, Mr. John, and Mr. Hargrove.

9                   MR. SUSSMAN: Your Honor, Mr. Jones is not charged in  
10 Counts Two and Three.

11                  THE COURT: Who is not charged in Counts Two and  
12 Three?

13                  MR. SUSSMAN: Mr. Jones.

14                  MR. SCOTTEN: Your Honor, I'm checking, but I believe  
15 that's correct.

16                  THE COURT: I'm going to charge that error to the  
17 government in giving me a summary. Hold on.

18                  MR. SCOTTEN: Your Honor, that is correct.

19                  THE COURT: David Jones is charged in?

20                  MR. SCOTTEN: The racketeering count and the  
21 discharging of firearms count but neither of the narcotics  
22 counts.

23                  THE COURT: Neither of the drug charges. All right,  
24 Mr. Jones. I stand corrected. Thank you, counsel. Mr. Jones,  
25 you are described so far in what I've described only as the

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1 first count, which is the racketeering charge.

2 Let me turn, though, to the fourth count. The fourth  
3 count charges a violation of Title 18, United States Code,  
4 Sections 924(c)(1)(A)(iii) and 2, which makes it a crime to use  
5 firearms in furtherance of another crime, here specifically  
6 either the racketeering conspiracy charged in Count One and/or  
7 the drug conspiracy charged in Count Two. It also charges in  
8 this fourth count, the firearms count, that the firearms that  
9 were used were discharged. If I get this right, those of you  
10 who are in front of me who are charged in this fourth count,  
11 the firearms count, include Mr. Bass, Mr. Campbell,  
12 Mr. Francis, Mr. Jones, and Mr. John. These crimes that have  
13 been charged carry with them a number of possible sanctions,  
14 including possible jail time.

15 Counsel, I'm going to go down the line and ask each of  
16 you if you've received a copy of the indictment, if you have  
17 had a chance to read and review it with your client. I  
18 understand the conditions for conferring with clients are not  
19 the best today, but hopefully you have had enough of a chance  
20 to advise your client about the charges that you're prepared to  
21 waive its public reading and your client is prepared to enter a  
22 plea. I'm going to ask the clients individually if they are  
23 prepared to plead to today's charges.

24 Starting with Mr. Tulman, have you had a chance to  
25 meet with your client?

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1                   MR. TULMAN: Yes, your Honor. I have reviewed the  
2 indictment with my client, and we waive its public reading, and  
3 we would enter a plea of not guilty.

4                   THE COURT: Mr. Campbell, you have had a chance to go  
5 over this indictment with your attorney?

6                   DEFENDANT CAMPBELL: Yes, ma'am, yes.

7                   THE COURT: How do you wish to plead to the charges  
8 against you?

9                   DEFENDANT CAMPBELL: Not guilty.

10                  THE COURT: All right. Have a seat.

11                  Mr. Francis.

12                  MR. SOLANO: Yes, your Honor. We have had an  
13 opportunity to review the indictment. We'll waive the reading  
14 of it, and Mr. Francis is prepared to enter a plea of not  
15 guilty.

16                  THE COURT: Mr. Francis, have you had a chance to  
17 review the indictment with your attorney?

18                  DEFENDANT FRANCIS: Yes, ma'am.

19                  THE COURT: How do you wish to plead to the charges  
20 against you?

21                  DEFENDANT FRANCIS: Not guilty.

22                  THE COURT: Mr. Hargrove.

23                  DEFENDANT HARGROVE: Yes.

24                  THE COURT: I'll ask your attorney first.

25                  MS. BENETT: Good afternoon, your Honor. We've had an

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1 opportunity to review the indictment together and waive the  
2 public reading, and at this time Mr. Hargrove is prepared to  
3 enter a plea of not guilty to all charges.

4 THE COURT: Mr. Hargrove, have you had a chance to  
5 review this with your attorney?

6 DEFENDANT HARGROVE: Yes, ma'am.

7 THE COURT: How do you wish to plead to the charges?

8 DEFENDANT HARGROVE: Not guilty.

9 THE COURT: Mr. John.

10 DEFENDANT JOHN: Yes, ma'am.

11 THE COURT: Starting with counsel, have you had a  
12 chance to review the indictment with your client.

13 MR. DINNERSTEIN: I have, your Honor, although I would  
14 state that it isn't just not the best situation back there,  
15 it's quite awful to talk to individuals and to try to get them  
16 to understand what is in fact going on. I did the best I could  
17 with Mr. John and will see him within the next day or so so  
18 that we can review the indictment further. But I do believe  
19 that he has a summary understanding of the indictment at this  
20 time.

21 THE COURT: Do you waive its public reading?

22 MR. DINNERSTEIN: I do.

23 THE COURT: Mr. John, have you had enough of an  
24 opportunity to talk to your attorney about the charges to be  
25 prepared to enter a plea?

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1 DEFENDANT JOHN: Yes, ma'am.

2 THE COURT: How do you wish to plead to the charges  
3 against you?

4 DEFENDANT JOHN: Not guilty.

5 THE COURT: Counsel, if you wish some more time to  
6 speak to your client now, or if any of you do after this  
7 proceeding, please let the marshals know. We'll try to  
8 accommodate you. It's been a bit of a crunch today.

9 MR. DINNERSTEIN: I'm not blaming anyone here, your  
10 Honor, and I appreciate that, but I'll see Mr. John tomorrow.

11 MS. BENETT: I'm sorry. Before moving on, would the  
12 marshals be able to take our clients to the fourth floor? I  
13 know there may be a time pressure moving them back to the  
14 facility.

15 THE COURT: I don't know. We had an arrangement to  
16 have clients seen here. You'll have to check with marshals.  
17 As the day gets later, it might be possible, but I don't know.

18 For Mr. Jones.

19 MR. SUSSMAN: Judge, we have had a chance to review  
20 the indictment, however briefly. We'll waive the public  
21 reading and we're prepared to plead not guilty.

22 THE COURT: Mr. Jones, have you had an chance to talk  
23 about the indictment with your attorney?

24 DEFENDANT JONES: Yes, your Honor.

25 THE COURT: How do you wish to plead to the charges

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1 against you?

2 DEFENDANT JONES: Not guilty.

3 THE COURT: Mr. Bass.

4 MS. LEWIS: Yes, your Honor. I did have a chance to  
5 review the indictment with Mr. Bass, though I echo  
6 Mr. Dinnerstein's sentiment, that it was with difficulty that  
7 we were able to get through a summary there, and I do waive the  
8 public reading, and he is prepared to enter a plea of not  
9 guilty.

10 THE COURT: Mr. Bass, you have had a chance to discuss  
11 the indictment with your attorney?

12 DEFENDANT BASS: Yes, ma'am.

13 THE COURT: How do you wish to plead to the charges  
14 against you?

15 DEFENDANT BASS: Not guilty.

16 THE COURT: OK. It's my understanding that Judge  
17 Nathan has scheduled a conference in this matter for May 2,  
18 although there may be some different times for different  
19 defendants. I assume you've talked to the government about  
20 this and you will have signed up for a certain time that day.  
21 With respect to the six defendants here, are any of the  
22 defendants prepared today to consent to detention without  
23 prejudice to a future bail application?

24 MR. TULMAN: Your Honor, on behalf of Mr. Campbell, we  
25 would be prepared to consent to detention without prejudice for

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1 today.

2 THE COURT: All right. I will indicate that. Did you  
3 provide a medical order; you don't need one?

4 MR. TULMAN: I have not yet, your Honor. I have it  
5 here.

6 THE COURT: Do you want to hand it up?

7 MR. TULMAN: Mr. Campbell does suffer -- I will do  
8 that. Forgive my scrawl, your Honor, but Mr. Campbell suffers  
9 from asthma and has no medication with him, and he also --

10 THE COURT: What medication does he generally take?

11 MR. TULMAN: Asthma pump. He needs a pump.  
12 Additionally, your Honor, he was recently discharged from the  
13 hospital after sustaining injuries from multiple stab wounds,  
14 and he has chest dressings and may require treatment for that  
15 as well, replacement of the dressings and the like, so he  
16 requires attention for that as well.

17 THE COURT: Is the defendant on any other medication?

18 MR. TULMAN: Percocet and oxycodone is what was  
19 prescribed at the hospital, they gave when he was discharged.

20 THE COURT: All right. Going down the line, is anyone  
21 else prepared to consent to detention without prejudice?

22 MR. SOLANO: Yes, your Honor. On behalf of  
23 Mr. Francis, we're prepared to consent to detention without  
24 bail.

25 THE COURT: Any need for a medical order?

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1 MR. SOLANO: There is, your Honor. We submitted one  
2 for Mr. Francis.

3 THE COURT: Hold on a second. I should have one,  
4 unless I put it in the wrong place. What was it for.

5 MR. SOLANO: I'm prepared to fill another one out,  
6 your Honor. For asthma.

7 THE COURT: I'll fill one out. Give me just a second.  
8 Generally the clerk fills these forms out, but we were trying  
9 to save time, so I have forms.

10 MR. SOLANO: Understood, your Honor.

11 THE COURT: I'm sorry. The defendant has asthma?

12 MR. SOLANO: Yes, he uses an inhaler. And also, your  
13 Honor, he was recently the victim of a stabbing, and after he  
14 was arrested today, he was taken to a hospital. He understands  
15 that he was prescribed a pain killer, ibuprofen.

16 THE COURT: Hold on one second. Where is the injury,  
17 generally?

18 DEFENDANT FRANCIS: The lung.

19 THE COURT: Arm?

20 MR. SOLANO: Left lung.

21 THE COURT: He was prescribed ibuprofen?

22 MR. SOLANO: That's what he understands, correct, but  
23 he hasn't taken it. And he believes Percocet as well, your  
24 Honor.

25 THE COURT: OK. Moving down the line, is there anyone

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1 else who wishes to consent to detention without prejudice?

2 MS. BENETT: On behalf of Mr. Hargrove, we consent to  
3 detention without prejudice to make an application in the  
4 future, and there's no need for medical.

5 THE COURT: Do you need a medical order?

6 MS. BENETT: No medical order is necessary.

7 THE COURT: Mr. John.

8 MR. DINNERSTEIN: Yes, your Honor. I would consent at  
9 this time to detention without making a bail application at a  
10 future time.

11 THE COURT: I have a medical order. I've just  
12 indicated on it that the defendant reportedly has asthma and  
13 treats with albuterol.

14 MR. DINNERSTEIN: Yes, your Honor. That's correct.  
15 Thank you.

16 THE COURT: For Mr. Jones.

17 MR. SUSSMAN: He would consent to detention without  
18 prejudice towards a future bail application. And, Judge, he  
19 does have medical-attention needs.

20 THE COURT: Do you want to hand up the form?

21 MR. SUSSMAN: Yes.

22 THE COURT: OK. I'll sign the medical order that you  
23 proposed.

24 MR. SUSSMAN: Thank you, your Honor.

25 THE COURT: Anything else for Mr. Jones?

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1 MR. SUSSMAN: No, your Honor. Thank you.

2 THE COURT: Mr. Bass.

3 MS. LEWIS: Your Honor, I consent to the detention  
4 without prejudice to renew a bail application as to Mr. Bass.

5 THE COURT: Any need for a medical order?

6 MS. LEWIS: No, your Honor.

7 THE COURT: Is there anything else for any of the  
8 defendants here?

9 MR. SCOTTEN: Nothing from the government, your Honor.  
10 Thank you.

11 THE COURT: You're welcome. All right.

12 (Adjourned)

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